

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
IN RE ADELPHIA COMMUNICATIONS
CORPORATION SECURITIES AND DERIVATIVE
LITIGATION
-----X

03 MDL 1529 (LMM)

MEMORANDUM AND ORDER

-----X
:
THIS MEMORANDUM AND ORDER APPLIES TO
ALL INDIVIDUAL ACTIONS
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/15/08

McKENNA, D.J.

1.

This Memorandum and Order relates to those cases which are a part of the above identified Multidistrict Litigation and are categorized as "Individual Actions" in the Court's Order of December 5, 2003 (¶ 14) (including any subsequently added Individual Actions).

The Memorandum and Order is prompted by concerns raised in letters to the Court including those of: Mr. Rolnick, dated August 17, 2007, November 27, 2007, December 14, 2007, January 7, 2008 and February 11, 2008; Mr. Lowenthal, dated August 22, 2007; Mr. Shulman, dated December 5, 2007, December 21, 2007 (two letters) and February 12, 2008; and Mr. Conway, dated December 20, 2007. The Court is hopeful that the collection of certain information and views on certain legal issues in writing, and possible discussions between affected counsel, may initially be more productive of a plan for litigation of the Individual Actions

COPIES MAILED TO COUNSEL FEB 14 2008

than an in-person case management conference given the number of lawyers that are sure to attend.

2.

The Court's Order of December 2003 ("December 2003 Order")¹ identified a category described as "Individual Actions," of which there were eleven listed (§ 14) plus one about to be transferred to this Court by the Multi-District Panel. The Court understands the following to be all of the Individual Actions that are a part of 03 MDL 1529 (the Docket members indicted are for this district):

NYC, 02 Civ. 9804
Los Angeles, 03 Civ. 5750
Franklin, 03 Civ. 5751
Huff, 03 Civ. 5752
Huff, 03 Civ. 5753
Stocke, 03 Civ. 5754
NYC, 03 Civ. 5789
Bent, 03 Civ. 5793
Elkmont, 03 Civ. 5794
New Jersey, 03 Civ. 7300
Appaloosa, 03 Civ. 7301
Williams, 03 Civ. 9825
Rainwater, 04 Civ. 3961
Pagnotti, 04 Civ. 4967
Argent, 04 Civ. 5759
Esparza, 04 Civ. 6812
Tow, 04 Civ. 8545

¹ The December 2003 Order, as the Court recalls, was agreed to between and presented to the Court by counsel, and signed with some changes (evident on the face of the order) initialed by the Court. The Court does not recall participating in the formulation of the December 2003 Order, and can only construe it from its text.

Citizens, 04 Civ. 8546
Los Angeles, 04 Civ. 10252
Telemedia, 05 Civ. 2768
Island, 05 Civ. 2770
AIG, 05 Civ. 4055
Telemedia, 05 Civ. 4056
Huff, 07 Civ. 6849

Counsel are requested to supply the following information concerning the "Individual Actions" list just given.

1. Identify any action on the list that is improperly characterized as an Individual Action, explaining briefly why the characterization is improper.
2. Identify any action which should be added to the list.
3. Identify any action which is no longer pending, and the reason, i.e., complete settlement or dismissal by the Court.
4. In the case of any dismissal by the Court, state whether any appeal is pending.
5. Identify any action that is partially settled, stating the defendants as whom the action is settled and those as to whom it is not settled.
6. Are there undecided motions pending in any pending Individual Action (or any case not on the list that should be so characterized) other than those identified in Mr. Shulman's letter of December 5, 2007? If so, any such motion should be identified.

3.

With respect of Paragraph 22 and 23 of the December 2003 Order, identify the Designated Individual Complaint and any Unique Counts designated pursuant to Paragraph 22 and any motion made pursuant to Paragraph 23.

4.

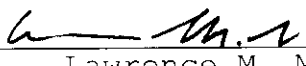
Identify any pending motion (or portion thereof) which either side believes should be withdrawn or granted on consent if both sides were to meet and confer as described in Paragraph 27 of the December 2003 Order. (The Court understands and does not here rule on the dispute regarding construction of that Paragraph, and it also understands that the parties may not agree in responding to the question put by the Court.)

5.

Responses by March 7, 2008 would be appreciated. The Court is sending copies hereof to Mr. Rolnick and Mr. Shulman who are requested to send copies, respectively, to all interested plaintiffs', and defendants', counsel.

SO ORDERED.

Dated: February 14, 2008



Lawrence M. McKenna
U.S.D.J.